

VIOLATIONS

SEC. 102. (a) Section 11(b) of the Act (50 U.S.C. App. 2410(b)) is amended by inserting after paragraph (2) the following new paragraphs:

“(3) Any person who conspires or attempts to export anything contrary to any provision of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of a violation of an export control imposed under section 5 of this Act, such person shall be subject to the penalties set forth in paragraph (1) of this subsection.

“(4) Any person who possesses any goods or technology—

“(A) with the intent to export such goods or technology in violation of an export control imposed under section 5 or 6 of this Act or any regulation, order, or license issued with respect to such control; or

“(B) knowing or having reason to believe that the goods or technology would be so exported; shall, in the case of a violation of an export control imposed under section 5, be subject to the penalties set forth in paragraph (1) of this subsection and shall, in the case of a violation of an export control imposed under section 6, be subject to the penalties set forth in subsection (a).

1 “(5) Any person who takes any action with the intent to
2 evade the provisions of this Act or any regulation, order, or
3 license issued under this Act shall be subject to the penalties
4 set forth in subsection (a), except that in the case of an eva-
5 sion of a foreign policy or national security control, such
6 person shall be subject to the penalties set forth in paragraph
7 (1) of this subsection.”.

8 (b) Section 11(c) of the Act is amended by adding at the
9 end thereof the following new paragraphs:

10 “(3) An exception to any order issued under this Act
11 which revokes the authority of a United States person to
12 export goods or technology may not be made unless the
13 Committee on Foreign Affairs of the House of Representa-
14 tives and the Committee on Banking, Housing, and Urban
15 Affairs of the Senate are first consulted concerning the ex-
16 ception.

17 “(4) Whoever violates any national security control im-
18 posed under section 5 of this Act which the United States
19 maintains cooperatively with other countries, or any regula-
20 tion, order, or license related thereto, may be subject to such
21 controls on the importing of its goods or technology into the
22 United States or its territories and possessions as the Presi-
23 dent may prescribe.”.

1 (c) Section 11(e) of the Act is amended by inserting “or
2 any property interest or proceeds forfeited pursuant to sub-
3 section (f)” after “subsection (c)”.

4 (d) Section 11 of the Act is amended—

5 (1) by redesignating subsections (f) and (g) as sub-
6 sections (g) and (h), respectively; and

7 (2) by inserting after subsection (e) the following
8 new subsection:

9 “(f) **FORFEITURE OF PROPERTY INTEREST AND PRO-**
10 **CEEDS.**—Any person who is convicted of a violation of an
11 export control imposed under section 5 of this Act shall, in
12 addition to any other penalty, forfeit to the United States (A)
13 any property interest that person has in the goods or technol-
14 ogy that were the subject of the violation or that were used
15 to facilitate the commission of the violation, and (B) any pro-
16 ceeds derived directly or indirectly by that person from the
17 transaction from which the violation arose.”.

18 (e) Section 11(h) of the Act, as redesignated by subsec-
19 tion (d) of this section, is amended by striking out “or (f)” and
20 inserting in lieu thereof “(f), or (g)”.

21 **ENFORCEMENT AUTHORITY**

22 **SEC. 103.** Section 12(a) of the Act (50 U.S.C. App.
23 2411(a)) is amended—

24 (1) by inserting “(1)” immediately before the first
25 sentence; and

1 (2) by adding at the end thereof the following new
2 paragraphs:

3 “(2) The Secretary may designate any officer or em-
4 ployee of the Department of Commerce to do the following in
5 carrying out enforcement authorities under this Act:

6 “(A) Execute any warrant or other process issued
7 by a court or officer of competent jurisdiction with re-
8 spect to the enforcement of the provisions of this Act.

9 “(B) Make arrests without warrant for any viola-
10 tion of this Act committed in his or her presence or
11 view, or if the officer or employee has probable cause
12 to believe that the person to be arrested has committed
13 or is committing such a violation.

14 “(C) Search without warrant or process any
15 person, place, or vehicle on which, and any baggage in
16 which, the officer or employee has probable cause to
17 believe there are goods or technology being exported
18 or about to be exported in violation of this Act.

19 “(D) Seize without warrant or process any goods
20 or technology which the officer or employee has prob-
21 able cause to believe have been, are being, or are
22 about to be exported in violation of this Act.

23 “(E) Carry firearms in carrying out any activity
24 described in subparagraphs (A) through (D).

1 “(3)(A) Notwithstanding any other provision of law, the
2 authority of customs officers with respect to violations of this
3 Act shall be limited to (i) inspection of or other search for and
4 detention and seizure of goods or technology at those places
5 in which such officers are authorized by law to conduct such
6 searches, detentions, and seizures, and (ii) any investigation
7 conducted prior to such inspection, search, detention, or sei-
8 zure. Upon seizure by any customs officer of any goods or
9 technology in the enforcement of this Act, the matter shall be
10 referred to the Department of Commerce for further investi-
11 gation and other appropriate action under this Act.

12 “(B) In conducting inspections of goods and technology
13 in the enforcement of this Act, the United States Customs
14 Service shall limit those inspections to goods and technology
15 with respect to which the Customs Service has received spe-
16 cific information of possible violations of this Act, and shall
17 not conduct random inspections which would result in the
18 detainment of shipments of goods or technology that are in
19 full compliance with this Act.

20 “(C) Notwithstanding any other provision of law, not
21 more than \$14,000,000 may be expended by the United
22 States Customs Service in any fiscal year in the enforcement
23 of export controls.

24 “(4) All provisions of law relating to the seizure, forfeit-
25 ure, and condemnation of articles for violations of the cus-

1 toms laws, the disposition of such articles or the proceeds
2 from the sale thereof, and the remission or mitigation of such
3 forfeitures, shall apply to the seizures and forfeitures in-
4 curred, or alleged to have been incurred, under the provisions
5 of this subsection or section 11(f) of this Act, insofar as such
6 provisions of law are applicable and not inconsistent with the
7 provisions of this subsection or section 11(f) of this Act;
8 except that all powers, rights, and duties conferred or im-
9 posed by the customs laws upon any officer or employee of
10 the Department of the Treasury shall, for the purposes of this
11 subsection and section 11(f) of this Act, be exercised or per-
12 formed by the Secretary or by such persons as the Secretary
13 may designate.”.

14 **TYPES OF LICENSES**

15 **SEC. 104.** Section 4(a)(2) of the Act (50 U.S.C. App.
16 2403(a)(2)) is amended to read as follows:

17 “(2) Licenses authorizing multiple exports, issued
18 pursuant to an application by the exporter, in lieu of a
19 validated license for each such export, including but
20 not limited to the following:

21 “(A) A qualified general license, authorizing
22 exports of goods for approved end uses.

23 “(B) A distribution license, authorizing ex-
24 ports of goods to approved distributors or users of
25 the goods.

1 “(C) A project license, authorizing exports of
2 goods or technology for a specified activity.

3 “(D) A service supply license, authorizing
4 exports of spare or replacement parts for goods
5 previously exported.

6 “(E) A comprehensive operations license,
7 authorizing exports of goods or technology be-
8 tween and among a domestic concern and foreign
9 subsidiaries or affiliates of that concern.”.

10 NATIONAL SECURITY CONTROLS

11 SEC. 105. (a) Section 5(b) of the Act (50 U.S.C. App.
12 2404(b)) is amended by adding at the end thereof the follow-
13 ing new sentence: “No authority or permission to export may
14 be required under this section before goods or technology are
15 exported in the case of exports to a country which maintains
16 export controls on such goods or technology cooperatively
17 with the United States, except that the Secretary may by
18 regulation require any person exporting any such goods or
19 technology which are otherwise subject to export controls
20 under this section to notify the Department of Commerce of
21 those exports.”.

22 (b) Section 5(b) of the Act is further amended—

23 (1) by inserting “(1)” immediately before the first
24 sentence; and

1 (2) by adding at the end thereof the following new
2 paragraph:

3 “(2) A department or agency may not recommend denial
4 of an application to export to the People’s Republic of China
5 any good or technology subject to an export control under
6 this section solely on the basis of the technical level of that
7 good or technology if that technical level does not exceed
8 twice the technical level that department or agency would
9 approve for export of that good or technology to a country to
10 which exports of that good or technology are subject to the
11 strictest controls under this section. The preceding sentence
12 shall not apply to exports of any goods or technology—

13 “(A) which are intended for a nuclear related end
14 use or end user;

15 “(B) which have been identified pursuant to sec-
16 tion 309(c) of the Nuclear Non-Proliferation Act of
17 1978 as items which could, if used for purposes other
18 than those for which the export is intended, be of sig-
19 nificance for nuclear explosive purposes; or

20 “(C) which are otherwise subject to the proce-
21 dures established pursuant to section 309(c) of the Nu-
22 clear Non-Proliferation Act of 1978.”.

23 (c) Section 5(e) of the Act is amended by adding at the
24 end thereof the following:

1 “(5) Technology and related goods, including items on
2 the list of militarily critical technologies developed pursuant
3 to subsection (d) of this section, shall be eligible for a compre-
4 hensive operations license which would authorize, over a
5 period of years and to countries other than those described in
6 section 620(f) of the Foreign Assistance Act of 1961, multi-
7 ple exports and reexports between and among a domestic
8 concern and foreign subsidiaries or affiliates of that concern.

9 “(6) The export of goods and technology to countries
10 other than those described in section 620(f) of the Foreign
11 Assistance Act of 1961 shall be eligible for a distribution
12 license or other licenses authorizing multiple exports. The
13 Secretary shall periodically monitor exports made pursuant
14 to such licenses in order to insure compliance with the provi-
15 sions of this Act.”.

16 (d) Section 5 of the Act is amended by adding at the end
17 thereof the following new subsections:

18 “(m) REMOVAL OF CERTAIN CONTROLS.—(1) In any
19 case in which, during any one-year period in which export
20 license applications have been filed for the export of a good
21 subject to an export control under this section, all such li-
22 cense applications have been approved, the Secretary shall,
23 at the end of that one-year period, remove the export control
24 on exports of that good.

1 “(2) This subsection shall not apply to export controls
2 which the United States maintains cooperatively with any
3 other country.

4 “(n) GOODS CONTAINING MICROPROCESSORS.—
5 Export controls may not be imposed under this section on a
6 good solely on the basis that the good contains a nonrepro-
7 gramable imbedded microprocessor. An export control may
8 be imposed under this section on a good containing such a
9 microprocessor only on the basis that the functions of the
10 good itself are such that the good, if exported, would make a
11 significant contribution to the military potential of any other
12 country or combination of countries which would prove detri-
13 mental to the national security of the United States.”.

14 FOREIGN AVAILABILITY

15 SEC. 106. (a) Section 5(f)(4) of the Act (50 U.S.C. App.
16 2404(f)(4)) is amended by striking out the first sentence and
17 inserting in lieu thereof the following: “In any case in which
18 export controls are maintained under this section notwith-
19 standing foreign availability, on account of a determination
20 by the President that the absence of the controls would prove
21 detrimental to the national security of the United States, the
22 President shall take the necessary steps to conduct negotia-
23 tions with the governments of the appropriate foreign coun-
24 tries for the purpose of eliminating such availability. If,
25 within six months after the President’s determination, the

1 foreign availability has not been eliminated, the Secretary
2 may not, after the end of that six-month period, require a
3 validated license for the export of the goods or technology
4 involved.”.

5 (b) Section 5(f)(3) of the Act is amended to read as fol-
6 lows:

7 “(3) With respect to export controls imposed under this
8 section, in making any determination of foreign availability,
9 the Secretary shall accept the representations of applicants
10 unless such representations are contradicted by reliable evi-
11 dence, including scientific or physical examination, expert
12 opinion based upon adequate factual information, and intelli-
13 gence information.”.

14 (c) Section 5(h)(6) of the Act is amended by striking out
15 “and provides adequate documentation” and all that follows
16 through the end of the paragraph and inserting in lieu thereof
17 the following: “the technical advisory committee shall submit
18 that certification to the Congress at the same time the certifi-
19 cation is made to the Secretary, together with the documen-
20 tation for the certification, in accordance with the procedures
21 established pursuant to subsection (f)(1) of this section. The
22 Secretary shall investigate the foreign availability so certified
23 and, not later than ninety days after the certification is made,
24 shall submit a report to the technical advisory committee and
25 the Congress stating that (A) the Secretary has removed the

1 requirement of a validated license for the export of the goods
2 or technology, on account of the foreign availability, (B) the
3 Secretary has recommended to the President that negotia-
4 tions be conducted to eliminate the foreign availability, or (C)
5 the Secretary has determined on the basis of the investigation
6 that the foreign availability does not exist. To the extent nec-
7 essary, the report may be submitted on a classified basis. In
8 any case in which the Secretary has recommended to the
9 President that negotiations be conducted to eliminate the for-
10 eign availability, the President shall take the necessary steps
11 to conduct such negotiations with the governments of the ap-
12 propriate foreign countries. If, within six months after the
13 Secretary submits such report to the Congress, the foreign
14 availability has not been eliminated, the Secretary may not,
15 after the end of that six-month period, require a validated
16 license for the export of the goods or technology involved.”.

17 **MILITARILY CRITICAL TECHNOLOGIES**

18 **SEC. 107.** Section 5(d) of the Act (50 U.S.C. App.
19 2404(d)) is amended by striking out paragraphs (4) through
20 (6) and inserting in lieu thereof the following:

21 “(4)(A) The Secretary and the Secretary of Defense
22 shall complete the integration of the list of militarily critical
23 technologies into the commodity control list not later than
24 April 1, 1984. Such integrated list shall include only a good
25 or technology with respect to which the Secretary finds that

1 countries to which exports are controlled under this section
2 do not possess that good or technology, or a similar good or
3 technology, and the good or technology or similar good or
4 technology is not available in fact to such a country from
5 sources outside the United States in sufficient quantity and of
6 sufficient quality so that the requirement of a validated li-
7 cense for the export of such good or technology is or would
8 be ineffective in achieving the purpose set forth in subsection
9 (a) of this section, subject to a determination of the President
10 as provided in subsection (f)(1) of this section. In any case in
11 which it is determined that a good or technology should be
12 included on the commodity control list completed pursuant to
13 this subparagraph notwithstanding foreign availability, the
14 report to Congress shall specify why inclusion of that good or
15 technology would significantly benefit United States military
16 or national security. The Secretary and the Secretary of De-
17 fense shall jointly submit a report to the Congress, not later
18 than April 1, 1984, on actions taken to carry out this subpar-
19 agraph.

20 “(B) The Director of the Office of Technology Assess-
21 ment and the Comptroller General of the United States shall
22 appoint a task force composed of representatives of that
23 Office and of the General Accounting Office to evaluate the
24 efforts of the Secretary and the Secretary of Defense to inte-
25 grate the list of militarily critical technologies into the com-

1 modity control list, and the feasibility of such integration. In
2 conducting such evaluation, the task force shall determine
3 whether foreign availability was used as a criterion in devel-
4 oping the commodity control list pursuant to subparagraph
5 (A) and whether the completed list reflected the intent of the
6 Congress in enacting this subsection. In conducting such
7 evaluation, the task force shall have access to all information
8 relating to the list of militarily critical technologies and may
9 attend any meetings held in the executive branch with re-
10 spect to such list. The appropriate officers or employees shall
11 notify the task force of when and where any such meeting
12 will be held. Not later than April 1, 1984, the task force shall
13 submit a detailed report to the Congress on the results of the
14 evaluation conducted pursuant to this subparagraph. The Di-
15 rector of the Office of Technology Assessment and the Comp-
16 troller General shall provide to the task force the necessary
17 administrative services. The task force may appoint experts
18 and consultants as authorized by section 3109 of title 5,
19 United States Code.

20 “(C) The Secretary and the Secretary of Defense, in
21 completing the commodity control list pursuant to subpara-
22 graph (A), and the task force, in conducting its evaluation
23 pursuant to subparagraph (B), shall consider mechanisms to
24 reduce significantly the list of militarily critical technologies,
25 including evaluating for possible removal from the list those

1 goods or technology which are in one or more of the follow-
2 ing categories:

3 “(i) Goods and technology the transfer of which
4 would not lead to a significant near-term improvement
5 in the defense capability of a country to which exports
6 are controlled under this section.

7 “(ii) A technology that is evolving slowly.

8 “(iii) Technology that is not process-oriented.

9 “(iv) Components used in militarily sensitive de-
10 vices that in themselves are not sensitive.

11 “(D) The reports submitted pursuant to subparagraphs
12 (A) and (B) shall each include the results of the evaluation of
13 the goods and technology set forth in subparagraph (C) and
14 an evaluation of the feasibility of effectively imposing export
15 controls on technologies as opposed to goods which are the
16 products of those technologies.”.

17 **CONSULTATION WITH OTHER COUNTRIES; REPORT TO**
18 **CONGRESS**

19 SEC. 108. (a) Section 6 of the Act (50 U.S.C. App.
20 2405) is amended—

21 (1) by redesignating subsections (d) through (k) as
22 subsections (e) through (l), respectively; and

23 (2) by inserting after subsection (c) the following
24 new subsection:

1 “(d) CONSULTATION WITH OTHER COUNTRIES.—

2 Before export controls are imposed under this section, the
3 President shall consult with the countries with which the
4 United States maintains export controls cooperatively, and
5 with such other countries as the President considers appro-
6 priate, with respect to the criteria set forth in subsection (b)
7 and such other matters as the President considers appropri-
8 ate.”.

9 (b) Section 6(f) of the Act, as redesignated by subsection
10 (a)(1) of this section, is amended—

11 (1) in the second sentence by striking out “submit
12 with such notification” and inserting in lieu thereof “,
13 not later than ten days after the export controls are so
14 imposed, expanded, or extended, submit to the Con-
15 gress”;

16 (2) in paragraph (1), by striking out “and” after
17 the semicolon;

18 (3) in paragraph (2), by striking out “(d)” and in-
19 serting in lieu thereof “(e)” and by redesignating such
20 paragraph as paragraph (3); and

21 (4) by inserting after paragraph (1) the following
22 new paragraph:

23 “(2) the extent and results of the consultation
24 with industry pursuant to subsection (c) and of the con-

1 sultation with other countries pursuant to subsection
2 (d); and”.

3 (c) Section 6(i) of the Act, as redesignated by subsection
4 (a)(1) of this section, is amended by striking out “(f), and (g)”
5 and inserting in lieu thereof “(e), (g), and (h)”.

6 EFFECT OF CONTROLS ON EXISTING CONTRACTS AND
7 LICENSES

8 SEC. 109. (a) Section 6 of the Act (50 U.S.C. App.
9 2405), as amended by section 108 of this Act, is further
10 amended by adding at the end thereof the following new sub-
11 section:

12 “(m) EFFECT OF CONTROLS ON EXISTING CON-
13 TRACTS AND LICENSES.—Any export controls imposed
14 under this section shall not affect any contract to export en-
15 tered into before the date on which such controls are imposed
16 or any export license issued under this Act before such date.
17 For purposes of this subsection, the term ‘contract to export’
18 includes, but is not limited to, an export sales agreement and
19 an agreement to invest in an enterprise which involves the
20 export of goods or technology.”.

21 (b) Section 7 of the Act (50 App. 2406) is amended by
22 adding at the end thereof the following new subsection:

23 “(k) EFFECT OF CONTROLS ON EXISTING CON-
24 TRACTS.—Any export controls imposed under this section
25 shall not affect any contract to export entered into before the

1 date on which such controls are imposed, including any con-
 2 tract to harvest unprocessed western red cedar (as defined in
 3 subsection (i)(4) of this section) from State lands, the perform-
 4 ance of which contract would make the red cedar available
 5 for export. For purposes of this subsection, the term 'contract
 6 to export' includes, but is not limited to, an export sales
 7 agreement and an agreement to invest in an enterprise which
 8 involves the export of goods or technology.'".

9 (c) The amendment made by subsection (a) shall not
 10 apply to export controls imposed before the date of the enact-
 11 ment of this Act. The amendment made by subsection (b)
 12 shall apply to export controls in effect on the date of the
 13 enactment of this Act and export controls imposed after such
 14 date.

15 EXEMPTION FROM FOREIGN POLICY CONTROLS

16 SEC. 110. Section 6(g) of the Act (50 U.S.C. App.
 17 2405(g)), as redesignated by section 108(a)(1) of this Act, is
 18 amended to read as follows:

19 "(g) EXCLUSION FOR FOOD, MEDICINE, OR MEDICAL
 20 SUPPLIES.— This section does not authorize export controls
 21 on food, medicine, or medical supplies. This section also does
 22 not authorize export controls on donations of goods intended
 23 to meet basic human needs. It is the intent of the Congress
 24 that the President not impose export controls under this sec-
 25 tion on any goods or technology if he determines that the

1 principal effect of the export of such goods or technology
2 would be to help meet basic human needs. This subsection
3 shall not be construed to prohibit the President from impos-
4 ing restrictions on the export of medicine, medical supplies,
5 food, or donations of goods under the International Emergen-
6 cy Economic Powers Act. This subsection shall not apply to
7 any export control on medicine, medical supplies, or food,
8 other than donations, which is in effect on the effective date
9 of the Export Administration Amendments Act of 1983.”.

10 FOREIGN POLICY CONTROLS AUTHORITY

11 SEC. 111. (a) The first sentence of section 6(a)(1) of the
12 Act (50 U.S.C. App. 2405(a)(1)) is amended to read as fol-
13 lows: “In order to carry out the policy set forth in paragraph
14 (2)(B), (7), or (8) of section 3 of this Act, the President may
15 prohibit or curtail the exportation from the United States of
16 any goods, technology, or other information produced in the
17 United States, to the extent necessary to further significantly
18 the foreign policy of the United States or to fulfill its declared
19 international obligations.”.

20 (b) Section 6(a) of the Act is further amended by redes-
21 ignating paragraphs (2) through (4) as paragraphs (3) through
22 (5) and by inserting after paragraph (1) the following new
23 paragraph:

24 “(2) Any export control imposed under this section shall
25 apply to any transaction or activity undertaken with the

1 intent to evade that export control, even if that export con-
2 trol would not otherwise apply to that transaction or activi-
3 ty.”.

4 (c) Section 6 of the Act, as amended by sections 108
5 and 109 of this Act, is further amended by adding at the end
6 thereof the following new subsection:

7 “(n) EXPANDED AUTHORITY TO IMPOSE CON-
8 TROLS.—In any case in which the President determines that
9 it is necessary to impose controls under this section—

10 “(A) with respect to goods, technology, other in-
11 formation, or persons other than that authorized by
12 subsection (a)(1); or

13 “(B) without any limitation contained in subsec-
14 tion (c), (d), (e), (g), (h), or (m) of this section,
15 the President may impose those controls only if the President
16 submits that determination to the Congress, together with a
17 report pursuant to subsection (f) of this section with respect
18 to the proposed controls, and only if a law is enacted author-
19 izing the imposition of those controls.”.

20 (d) The amendments made by subsections (a), (b), and (c)
21 of this section shall not apply to export controls imposed
22 under section 6 of the Act before the date of the enactment of
23 this Act which are extended in accordance with such section
24 6 on or after such date of enactment.

1 **REIMPOSITION OF EXPORT CONTROLS**

2 **SEC. 112. (a)** Section 6 of the Act, as amended by sec-
3 tions 108, 109, and 111 of this Act, is further amended by
4 adding at the end thereof the following new subsection:

5 **“(o) EXTENSION OF CERTAIN CONTROLS.—**Those
6 export controls imposed under this section which were in
7 effect on February 28, 1982, and ceased to be effective on
8 March 1, 1982, September 15, 1982, and January 20, 1983
9 (except those controls with respect to the 1980 summer
10 Olympic games), shall become effective on the date of the
11 enactment of this subsection, and shall remain in effect until
12 one year after such date of enactment. At the end of that
13 one-year period, any of those controls made effective by this
14 subsection may be extended by the President in accordance
15 with subsections (b) and (f) of this section.”.

16 **(b)** Section 6(j) of the Act, as redesignated by section
17 108(a)(1) of this Act, is amended by adding at the end thereof
18 the following new sentence: “Any such determination which
19 has been made with respect to a country may not be rescind-
20 ed unless the President first submits to the Congress a report
21 justifying the rescission and certifying that the country con-
22 cerned has not provided support for international terrorism,
23 including support for groups engaged in such terrorism, for
24 the preceding twelve-month period.”.

1 (c) The amendment made by subsection (b) shall apply
2 with respect to any export control made effective by the
3 amendment made by subsection (a).

4 PETITIONS FOR SHORT SUPPLY CONTROLS

5 SEC. 113. (a) Section 7(c)(1)(A) of the Act (50 U.S.C.
6 App. 2406(c)(1)(A)) is amended to read as follows:

7 “(c) PETITIONS FOR MONITORING OR CONTROLS.—
8 (1)(A) Any entity, including a trade association, firm, or certi-
9 fied or recognized union or group of workers, which is repre-
10 sentative of an industry or a substantial segment of an indus-
11 try which processes metallic materials capable of being recy-
12 cled (i) with respect to which an increase in domestic prices
13 or a domestic shortage, either of which results from increased
14 exports, has or may have a significant adverse effect on the
15 national economy or any sector thereof, and (ii) with respect
16 to which a significant increase in exports is a substantial
17 cause of serious injury to a domestic industry or any sector
18 thereof or to the national economy, may transmit a written
19 petition to the Secretary requesting the monitoring of exports
20 or the imposition of export controls, or both, with respect to
21 such material, in order to carry out the policy set forth in
22 section 3(2)(C) of this Act.”.

23 (b) Section 7(c)(1)(B) of the Act is amended—

24 (1) by striking out “indicating” and inserting in
25 lieu thereof “demonstrating”;

1 (2) in clause (i) by striking out "and" after
2 "supply,"; and

3 (3) by striking out the period at the end thereof
4 and inserting in lieu thereof ", and (iii) that the criteria
5 set forth in paragraph (3)(A) of this subsection are sat-
6 isfied."

7 (c) Section 7(c)(1) of the Act is further amended by
8 adding at the end thereof the following:

9 "(C)(i) For purposes of determining serious injury under
10 this section, the Secretary shall take into account the factors
11 set forth in sections 201(b)(2) (A) and (B) of the Trade Act of
12 1974 (19 U.S.C. 2251(b)(2) (A) and (B)).

13 "(ii) For purposes of this subsection, the term 'substan-
14 tial cause' means a cause which is important and not less
15 than any other cause.

16 "(iii) Before March 1, 1984, the Secretary shall issue
17 regulations, in accordance with section 553 of title 5, United
18 States Code, which define the operative terms contained in
19 section 3(2)(C) of this Act and in this subsection, including
20 but not limited to the following: 'excessive drain', 'scarce ma-
21 terials', 'serious inflationary impact of foreign demand', 'do-
22 mestic shortage', 'increase in domestic prices' and 'increase
23 in the domestic price', 'representative of an industry or sub-
24 stantial segment of an industry', 'domestic industry', 'specific

1 period of time', 'national economy or any sector thereof', and
2 'significant increase in exports'.".

3 (d) Section 7(c)(3) of the Act is amended to read as fol-
4 lows:

5 "(3)(A) Within forty-five days after the end of the thirty-
6 day or forty-five-day period described in paragraph (2), as the
7 case may be, the Secretary shall determine whether to
8 impose monitoring or controls, or both, on the export of the
9 material which is the subject of the petition, in order to carry
10 out the policy set forth in section 3(2)(C) of this Act. In
11 making such determination, the Secretary shall determine
12 whether—

13 "(i) there has been a significant increase, in rela-
14 tion to a specific period of time, in exports of such ma-
15 terial;

16 "(ii) there has been a significant increase in the
17 domestic price of such material or a domestic shortage
18 of such material and exports are a substantial cause of
19 such domestic price increase or domestic shortage;

20 "(iii) exports of such material are a substantial
21 cause of serious injury to a domestic industry or any
22 sector thereof or to the national economy; and

23 "(iv) monitoring or controls or both are necessary
24 in order to carry out the policy set forth in section
25 3(2)(C) of this Act.

1 “(B) The Secretary shall publish in the Federal Register
2 a detailed statement of the reasons for the Secretary’s deter-
3 mination pursuant to subparagraph (A) of whether to impose
4 monitoring or controls, or both, including the findings of fact
5 in support of that determination.”.

6 (e) Section 7(c)(6) of the Act is amended to read as fol-
7 lows:

8 “(6) If a petition with respect to a particular material or
9 group of materials has been considered in accordance with all
10 the procedures prescribed in this subsection, the Secretary
11 shall not consider any other petition with respect to the same
12 material or group of materials which is filed within six
13 months after final action on the prior petition has been com-
14 pleted.”.

15 (f) Section 7(c) of the Act is further amended—

16 (1) by striking out paragraph (8) and redesignating
17 paragraphs (9) and (10) as paragraphs (8) and (9), re-
18 spectively;

19 (2) by amending paragraph (8), as redesignated by
20 paragraph (1) of this subsection, to read as follows:

21 “(8) The authority under this subsection shall not be
22 construed to affect the authority of the Secretary under any
23 provision of this Act other than this section.”; and

24 (3) by adding at the end thereof the following:

1 “(10) Notwithstanding subsection (a) or (b) of this sec-
2 tion, no action in response to an informal or formal request
3 by any person or entity described in paragraph (1)(A) of this
4 subsection to impose controls on or monitor the export of
5 metallic materials capable of being recycled shall be taken
6 under this section except pursuant to this subsection. The
7 Secretary, in any other case, may not impose controls on or
8 monitor the export of metallic materials capable of being re-
9 cycled unless the Secretary makes the determination required
10 by paragraph (3)(A) of this subsection with respect to such
11 controls or monitoring and complies with paragraph (3)(B)
12 with respect to that determination.”.

13 (g) Section 13(a) of the Act is amended by striking out
14 “section 11(c)(2)” and inserting in lieu thereof “sections
15 7(c)(1)(C)(iii) and 11(c)(2)”.

16 **DOMESTICALLY PRODUCED CRUDE OIL**

17 SEC. 114. Section 7(d) of the Act (50 U.S.C. 2406(d)) is
18 amended by adding at the end thereof the following:

19 “(4) Notwithstanding the provisions of section 20 of this
20 Act, the provisions of this subsection shall expire on Septem-
21 ber 30, 1987.”.

22 **REFINED PETROLEUM PRODUCTS**

23 SEC. 115. Section 7(e)(1) of the Act (50 U.S.C. App.
24 2406(e)(1)) is amended in the first sentence by striking out
25 “No” and inserting in lieu thereof “In any case in which the

1 President determines that it is necessary to impose export
2 controls on refined petroleum products in order to carry out
3 the policy set forth in section 3(2)(C) of this Act, the Presi-
4 dent shall notify the Congress of that determination. The
5 President shall also notify the Congress if and when he deter-
6 mines that such export controls are no longer necessary.
7 During any period in which a determination that such export
8 controls are necessary is in effect, no”.

9

AGRICULTURAL EXPORTS

10 SEC. 116. (a) Section 7(g)(3) of the Act (50 U.S.C. App.
11 2406(g)(3)) is amended by amending the second sentence to
12 read as follows: “If the Congress, within sixty days after the
13 date of its receipt of such report, does not adopt a joint reso-
14 lution approving such prohibition or curtailment, then such
15 prohibition or curtailment shall cease to be effective at the
16 end of that sixty-day period.”.

17 (b) The third sentence of section 7(g)(3) of the Act is
18 amended by striking out “30-day” and inserting in lieu there-
19 of “sixty-day”.

20

LICENSING PROCEDURES

21 SEC. 117. (a) Section 10(c) of the Act (50 U.S.C. App.
22 2409(c)) is amended by striking out “90” and inserting in
23 lieu thereof “sixty”.

24 (b) Section 10(f)(3) of the Act (50 U.S.C. App.
25 2409(f)(3)) is amended—

1 (1) in the first sentence—

2 (A) by inserting “the proposed” before
3 “denial” the first two places it appears; and

4 (B) by striking out “denial” the third place it
5 appears and inserting in lieu thereof “determina-
6 tion to deny the application”; and

7 (2) by inserting after the first sentence the follow-
8 ing new sentence: “The Secretary shall allow the ap-
9 plicant at least thirty days to respond to the Secre-
10 tary’s determination before the license application is
11 denied.”.

12 (c) Section 10 of the Act is amended—

13 (1) in the section heading by adding “; OTHER IN-
14 QUIRIES” after “APPLICATIONS”; and

15 (2) by adding at the end thereof the following new
16 subsections:

17 “(k) CHANGES IN REQUIREMENTS FOR APPLICA-
18 TIONS.—Except as provided in subsection (b)(3) of this sec-
19 tion, in any case in which, after a license application is sub-
20 mitted, the Secretary changes the requirements for such a
21 license application, the Secretary may request appropriate
22 additional information of the applicant, but the Secretary may
23 not return the application to the applicant without action be-
24 cause it fails to meet the changed requirements.

“(l) OTHER INQUIRIES.—(1) In any case in which the Secretary receives a written request asking for the proper classification of a good or technology on the commodity control list, the Secretary shall, within ten days after receipt of the request, inform the person making the request of the proper classification.

7 “(2) In any case in which the Secretary receives a writ-
8 ten request for information about the applicability of export
9 license requirements under this Act to a proposed export
10 transaction or series of transactions, the Secretary shall,
11 within thirty days after receipt of the request, reply with that
12 information to the person making the request.”.

13 ANNUAL REPORT

14 SEC. 118. Section 14 of the Act (50 U.S.C. App. 2413)
15 is amended—

(1) by redesignating paragraphs (11) through (20)
as paragraphs (12) through (21), respectively; and

18 (2) by inserting after paragraph (10) the following
19 new paragraph:

20 “(11) the removal of export controls on goods
21 pursuant to section 5(m);”.

22 TECHNICAL AMENDMENTS

23 SEC. 119. (a) Section 7(i)(1) of the Act (50 U.S.C. App.
24 2406(i)(1)) is amended in the last sentence by inserting "har-
25 vested from State or Federal lands" after "red cedar logs".

1 (b) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is
 2 amended by striking out "Nothing" and inserting in lieu
 3 thereof "Except as otherwise provided in this Act, nothing".

4 (c) Section 38(e) of the Arms Export Control Act (22
 5 U.S.C. 2778(e)) is amended by striking out "(f)" and insert-
 6 ing in lieu thereof "(g)".

7 **AUTHORIZATION OF APPROPRIATIONS**

8 **SEC. 120.** (a) Section 18 of the Act (50 U.S.C. App.
 9 2417) is amended to read as follows:

10 **"AUTHORIZATION OF APPROPRIATIONS**

11 **"SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGIS-**
 12 **LATION.—**(1) Notwithstanding any other provision of law,
 13 money appropriated to the Department of Commerce for ex-
 14 penses to carry out the purposes of this Act may be obligated
 15 or expended only if—

16 **"(A)** the appropriation thereof has been previously
 17 authorized by law enacted on or after the date of the
 18 enactment of the Export Administration Amendments
 19 Act of 1983; or

20 **"(B)** the amount of all such obligations and ex-
 21 penditures does not exceed an amount previously pre-
 22 scribed by law enacted on or after such date.

23 **"(2)** To the extent that legislation enacted after the
 24 making of an appropriation to carry out the purposes of this

1 Act authorizes the obligation or expenditure thereof, the limi-
 2 tation contained in paragraph (1) shall have no effect.

3 “(3) The provisions of this subsection shall not be super-
 4 seded except by a provision of law enacted after the date of
 5 the enactment of the Export Administration Amendments
 6 Act of 1983 which specifically repeals, modifies, or super-
 7 sedes the provisions of this subsection.

8 “(b) AUTHORIZATION.—There are authorized to be ap-
 9 propriated to the Department of Commerce to carry out the
 10 purposes of this Act—

11 “(1) \$22,500,000 for each of the fiscal years
 12 1984 and 1985, of which for each such fiscal year
 13 \$15,000,000 shall be available only for enforcement
 14 and \$7,500,000 shall be available for all other activi-
 15 ties under this Act; and

16 “(2) such additional amounts for each such fiscal
 17 year as may be necessary for increases in salary, pay,
 18 retirement, other employee benefits authorized by law,
 19 and other nondiscretionary costs.”.

20 (b) The amendment made by subsection (a) shall take
 21 effect on October 1, 1983.

22 TERMINATION OF AUTHORITY

23 SEC. 121. Section 20 of the Act (50 U.S.C. App. 2419)
 24 is amended to read as follows:

1 **“TERMINATION DATE**

2 **“SEC. 20. The authority granted by this Act terminates**
3 **on September 30, 1985.”.**

4 **HOURS OF OFFICE OF EXPORT ADMINISTRATION**

5 **SEC. 122. The Secretary shall modify the office hours of**
6 **the Office of Export Administration of the Department of**
7 **Commerce on at least four days of each workweek so as to**
8 **accommodate communications to the Office by exporters**
9 **throughout the continental United States during the normal**
10 **business hours of those exporters.**

11 **TITLE II—EXPORT PROMOTION PROGRAMS**

12 **REQUIREMENT OF PRIOR AUTHORIZATION**

13 **SEC. 201. (a) Notwithstanding any other provision of**
14 **law, money appropriated to the Department of Commerce for**
15 **expenses to carry out any export promotion program may be**
16 **obligated or expended only if—**

17 **(1) the appropriation thereof has been previously**
18 **authorized by law enacted on or after the date of the**
19 **enactment of this Act; or**

20 **(2) the amount of all such obligations and expend-**
21 **itures does not exceed an amount previously prescribed**
22 **by law enacted on or after such date.**

23 **(b) To the extent that legislation enacted after the**
24 **making of an appropriation to carry out any export promotion**

1 program authorizes the obligation or expenditure thereof, the
2 limitation contained in subsection (a) shall have no effect.

3 (c) The provisions of this section shall not be superseded
4 except by a provision of law enacted after the date of the
5 enactment of this Act which specifically repeals, modifies, or
6 supersedes the provisions of this section.

7 (d) For purposes of this title, the term "export promo-
8 tion program" means any activity of the Department of Com-
9 merce designed to stimulate or assist United States business-
10 es in marketing their goods and services abroad competitively
11 with businesses from other countries, including but not
12 limited to—

13 (1) trade development (except for the trade adjust-
14 ment assistance program) and dissemination of foreign
15 marketing opportunities and other marketing informa-
16 tion to United States producers of goods and services,
17 including the expansion of foreign markets for United
18 States textiles and apparel and any other United States
19 products;

20 (2) the development of regional and multilateral
21 economic policies which enhance United States trade
22 and investment interests, and the provision of market-
23 ing services with respect to foreign countries and re-
24 gions;

1 (3) the exhibition of United States goods in other
2 countries; and

3 (4) the operations of the United States Commer-
4 cial Service and the Foreign Commercial Service, or
5 any successor agency.

6 **AUTHORIZATION OF APPROPRIATIONS**

7 SEC. 202. There is authorized to be appropriated for
8 each of the fiscal years 1984 and 1985 to the Department of
9 Commerce to carry out export promotion programs
10 \$100,458,000.

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